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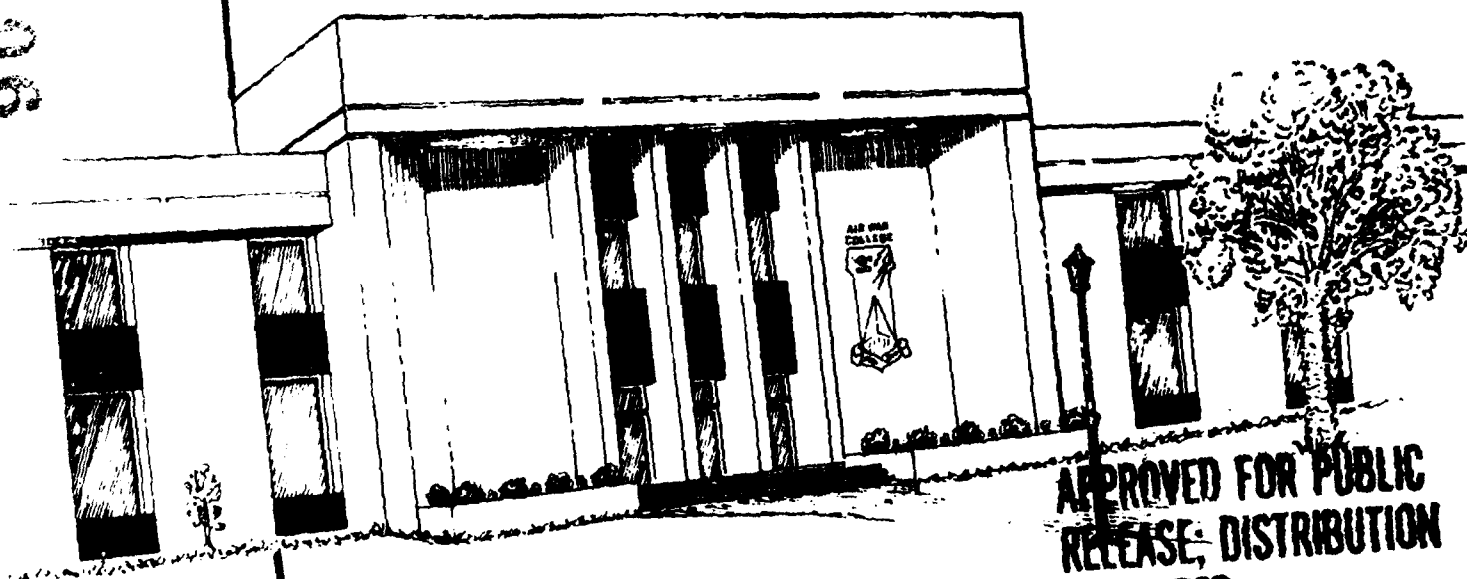
## RESEARCH REPORT

CONGRESSIONAL CRITICISM OF AIR FORCE WEAPONS ACQUISITION PROGRAMS:  
WHAT CAN THE AIR FORCE PROGRAM MANAGER DO?

LIEUTENANT COLONEL NATHAN B. MILLS, JR

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UNITED STATES AIR FORCE  
MAXWELL AIR FORCE BASE, ALABAMA

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CONGRESSIONAL CRITICISM OF AIR FORCE WEAPONS ACQUISITION PROGRAMS:  
WHAT CAN THE AIR FORCE PROGRAM MANAGER DO?

by

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A DEFENSE ANALYTICAL STUDY SUBMITTED TO THE FACULTY  
IN  
FULFILLMENT OF THE CURRICULUM  
REQUIREMENT

Advisor: Colonel Charles T. Fuller

MAXWELL AIR FORCE BASE, ALABAMA

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## EXECUTIVE SUMMARY

TITLE: Congressional Criticism of Air Force Weapons Acquisition Programs: What Can the Air Force Program Manager Do?

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When Congressional critics scream about Air Force cost overruns, procurement scandals, test failures, and management failures, a serious problem exists--whether the criticisms are legitimate or not. The author contends that Air Force program managers can, and must, effectively deal with such criticism. The first step is to understand Congress and the basis for their actions. Congressional authority, responsibilities, and checks on the Executive branch of government are described. A discussion of what motivates and influences Congress members is provided. A comparison between Air Force and Congressional operating constraints and ethics is provided to help the program manager understand the limits he or she must work within. The author then discusses alternatives available to the program manager to "head off" Congressional criticism before it occurs, as well as after it occurs. The author specifically describes inappropriate program manager actions. The study concludes that if Air Force program managers understand Congressional responsibilities, motivations, and the "rules of the game", the program manager can effectively deal with valid or invalid Congressional attacks and keep the program on track.

#### BIOGRAPHICAL SKETCH

Lieutenant Colonel Nathan B. Mills, Jr. has had extensive experience in weapon system acquisition programs. He has held project management, program control, and systems engineering jobs in program offices dealing with intercontinental ballistic missiles (ICBM), cruise missiles, remotely piloted vehicles, etc. He has a B.S., Aeronautical Engineering, USAF Academy and an M.S., Systems Management, Air Force Institute of Technology. He is a graduate of the Program Management Course at Defense Systems Management College and has been awarded the highest certification (Level IV) under Air Force Systems Command's Acquisition Management Career Development Program. Lieutenant Colonel Mills is a graduate of the Air War College, class of 1989.

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## CHAPTER I

### INTRODUCTION

#### PROBLEM

Imagine that you are an Air Force program manager responsible for development, test, and procurement of a new military weapon system. Suppose the following national newspaper headlines were about your program:

"GAO study says B-1Bs are grounded for maintenance twice as often as most other planes."<sup>1</sup>

"Many B1s Grounded for Repairs. Cost of Correcting Bomber's Problems Put at \$1.1 Billion."<sup>2</sup>

"HILL UNIT CRITICIZES DOD ON SECURITY OF 'BLACK' PROGRAMS."<sup>3</sup>

"U.S. Air Defense System Lag, GAO Reports."<sup>4</sup>

"AF Evasion Irks Senate Panel."<sup>5</sup>

"GAO says B-1B crews not 'mission ready'."<sup>6</sup>

How would you deal with such criticism, especially if the articles were untrue, biased, or downright misleading? Would you be emotional? Have you ever gotten upset in the past when you've read newspaper articles or heard members of Congress scream about cost overruns, program stretchouts, or unfairness to contractors in their home districts? Do you feel a double standard exists and believe members of Congress push for this type of exposure just to further their own political aims? Or, perhaps you see nothing wrong with these type of headlines and articles?

Congressional criticism of Air Force weapon system acquisition programs is a serious issue that must be confronted by



program managers, whether or not the criticism is valid, biased, or just misleading. Why? In the first place, such Congressional criticism is usually published in some written, verbal, or visual medium. Some people will believe and be influenced by the criticism. These "people" include other members of Congress, the public, members of the Executive Branch including civilian Department of Defense (DOD) leaders and senior military leadership, the media, special interest groups, personnel in the Air Force program office, and contractor personnel that work on program.

Several problems manifest themselves when this occurs. The more people hear, the more they believe what they hear. Issues and problems can become self-generating, growing out of proportion to the real situation, creating "embellishments" on the original story. This results in other problems.

Members of Congress may drop their support for the acquisition program and recommend investigations be started, funding be cut, or the program terminated. Senior civilians in DOD and military leadership may also be influenced by the stories and seeds of doubt may be sown in their minds. The morale of contractor and program office personnel may be affected, with a resulting loss of enthusiasm, initiative, and productivity. Perhaps most importantly, the media is likely to jump on the story, publicizing it out of proportion to the situation, with the resultant loss of confidence and support by the public or other special interest groups. It is a vicious circle, because the public and special interest groups can significantly influence

members of Congress, putting the program in even greater jeopardy and creating additional problems for the program manager.

Even if the program isn't terminated or funding cut, less serious problems usually occur. The program will probably come under increased scrutiny from Congress, DOD, and the program manager's chain of command. This scrutiny results in requests for briefings, studies, and many other forms of additional, unplanned work for people in the program office. More significantly, the additional work flows downhill to the contractors involved. While some of this additional work might have been necessary anyway if the Congressional criticism was valid, often much effort is wasted and unproductive. When the criticism was not deserved, it is all wasted! The result is that many program office and contractor man-hours (and dollars) are diverted from the real work of developing and acquiring the weapon system.

Another common occurrence is that the publicized Congressional criticism provides convenient fuel for critics of the weapon system, even when there isn't a fundamental problem with the program. Funding is always scarce in the DOD budget, therefore it is a wise (and sometimes lucky) program manager who can keep his program on cost, on schedule, and meeting performance requirements--thus never giving an opponent or critic an opportunity to attack or criticize the program. These opponents, by the way, can be in Congress, in other military departments, special interest groups, other contractors, or even in the Air Force.

Finally, whether or not the Congressional criticism is valid, false, unfair, misleading, or just misinformed--the program manager can lose his or her job if the criticism isn't handled correctly and the situation snowballs. It is important that Air Force program managers know how to handle themselves in these situations so that they can evaluate alternative courses of action, respond credibly, keep their programs on track, and keep their job!

#### OVERVIEW

The first and most important step is for the program manager to understand why his or her program received, or might receive, Congressional criticism. To do this, the program manager must understand Congress, its' power and responsibilities under the Constitution, the checks and balances between the Congress and the Executive Branch of government, how Congress works, what influences Congress, and why the members of Congress sometimes act the way they do. Just like a military warrior must evaluate his enemies, the Air Force program manager must logically, unemotionally, evaluate the situation--anticipating or responding to Congressional criticism. The program manager must understand where Congress "is coming from" and plan his (acquisition) strategy accordingly. Like military commanders, it is completely appropriate for program managers to use initiative, create adequate reserves, plan tactics, maximize use of resources in critical areas, evaluate intentions of opponents, accept calculated risks,

expect problems to occur, and conserve valuable manpower and funding resources where possible.

Most importantly, Air Force program managers should not get angry over Congressional criticism. The program manager must understand that under the Constitution, Congress has a different role than the Executive Branch, and hence a role different from the Air Force. As a result, members of Congress behave differently than members of the Air Force. Congress has a different set of rules and laws to "play the game." Program managers must not get upset by what they perceive as biased, unfair, or unethical behavior by members of Congress. Their standards are not necessarily wrong, just different. Once program managers understand this and can deal with it unemotionally, they can plan their strategy and manage their programs appropriately.

There are alternatives open to program managers to handle Congressional criticism. Some are things the program manager should do, and others are tactics he or she should not do! The "should do's" fall into three timeframes: (1) before program problems and criticisms occur, (2) after program problems or issues occur, but before Congressional criticism, and (3) after Congress criticizes, whether or not there are program problems. This study describes specific actions the program manager can take during these three timeframes, and it also cautions the program manager about inappropriate actions that should not be taken to deal with Congressional criticism.

The author recognizes that some program managers will inherit programs that are bound to receive criticism. Programs that cost a lot of money, involve nuclear or chemical weapons, affect the environment, can be interpreted as possible treaty violations, significantly advance technology (and thus have significant risk), are underbudgeted, are unwanted by the Air Force, or jeopardize other "favorite" programs are bound to "catch heat" as they progress. Some programs are just unlucky. Test failures will occur. Murphy's law is real. Things will go wrong. These programs will be criticized--you can bet on it. Even "superman" program managers won't be able to dodge all the Congressional bullets; however, by understanding Congress and taking appropriate actions, program managers can avoid common problems which would result in criticism, or minimize damage to their programs when the inevitable criticism occurs.

## NOTES

### CHAPTER I (Pages 1-6)

1. "GAO REPORT/B-1B BOMBER," Current News, Early Bird Edition, 25 October 1988, p. 4.
2. "Many B1s Grounded for Repairs," Washington Post, 24 October 1988, p. 1.
3. "HILL UNIT CRITICIZES DOD ON SECURITY OF 'BLACK' PROGRAMS," 3 November 1988, p. 107.
4. "U.S. Air Defense System Lags, GAO Reports," Washington Post, 3 November 1988, p. 25.
5. "AF Evasion Inks Senate Panel," Defense News, 10 October 1988, p. 2.
6. "GAO says B-1B crews not 'mission ready'," Air Force Times, 5 September 1988, p. 4.

## CHAPTER II

### UNDERSTANDING CONGRESS

#### AUTHORITY AND RESPONSIBILITY

##### Funds

One of the most important responsibilities of Congress is the power to tax and spend. This allows Congress to determine policy in many areas, make decisions, and control programs.<sup>1</sup> This is commonly called "the power of the purse." (Program managers have a variation on this called the "Golden Rule"; i.e. He who controls the gold--rules!). Article I of the United States Constitution vests this the power of the purse with Congress:

"All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

"The Congress shall have Power To lay and collect Taxes, Duties, Imports and Excises, to pay the Debts and provide for the common Defence...."

"To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;"

"To provide and maintain a Navy;"

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law;"

This is clearly an important function of Congress, one that the members spend almost 90% of their time on! An equally important aspect of this power is that Congress not only provides the funds, but also directs how they will be spent.<sup>2</sup>

Although the process of providing funds can be lengthy and seem complicated, it is really quite straightforward. To

actually provide funds, an appropriations bill (a law) must be passed by majorities of both the House of Representatives and the Senate. Appropriation committees and subcommittees play a key role in this process, essentially doing most of the actual work determining appropriate levels of funding. Prior to the appropriations bill, however, an authorization bill must also be passed by majorities in both Congressional houses. This bill authorizes certain programs (e.g. procure 12 aircraft) and sets a dollar ceiling for each program; whereas the appropriations bill actually provides, or doesn't provide, funds. Authorization committees and subcommittees (similar to the appropriation committees and subcommittees), in both houses perform the work to formulate the authorization bill.<sup>3</sup> Other committees called budget committees get involved even earlier in the process to develop concurrent resolutions in both houses of Congress to set overall appropriation limits. These are not law or binding, but merely serve to advise members of Congress and provide planning numbers.<sup>4</sup>

### Legislation

The other significant power of Congress is the authority to legislate; i.e. to pass laws. The Constitution says

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

This legislative power gives Congress great flexibility (when they can agree) to influence, start, terminate, and even manage programs if deemed appropriate. This is a very powerful tool!

### Oversight



Congress has the right and responsibility to oversee operations in the Executive Branch to ensure funds are properly used and laws are followed. Although not specifically stated in the Constitution, judicial rulings agree that the Constitution gives Congress authority to review government operations and administration. A historical precedent for this oversight authority was the Congressional Joint Committee on the Conduct of the Civil War which took place after the civil war and went into great depth on military operations, battles, and strategies in hindsight. The 1946 Legislative Reorganization Act was a law passed by Congress that gave themselves authority to "exercise continuous watchfulness" over the Executive Branch. Thus by law, the various committees and subcommittees in both the House and Senate are directed to exercise oversight over agencies and government programs under their jurisdiction.<sup>5</sup>

The Congressional rationale for the need of this oversight function is broad and quite inclusive: the need to ensure funds are spent effectively; to control fraud, waste, and abuse; to protect the rights of the citizens; and to observe performance of the Executive Branch. It has also been suggested that members of Congress often have other motivations behind their rigorous exercise of their oversight function: increase their ability to assert more power; obtain greater exposure to and recognition by the public; justify and obtain larger staffs.<sup>6</sup> The author supposes there is some element of truth to the above; nevertheless, oversight of Air Force programs by Congress is a legitimate and fact-of-life function that program managers have to deal with.

Oversight is usually accomplished by a variety of committees and subcommittees in both houses. The following are some of the standing committees and subcommittees in the Senate that are most relevant to Air Force program managers:7

Committee on Appropriations

Subcommittee on Defense

Subcommittee on Military Construction

Committee on Armed Forces

Subcommittee on Conventional Forces & Alliance Defenses

Subcommittee on Defense Industry & Technology

Subcommittee on Manpower and Personnel

Subcommittee on Projection Forces & Regional Defense

Subcommittee on Readiness, Sustainability and Support

Subcommittee on Strategic Forces & Nuclear Deterrence

Committee on Energy and Natural Resources

Subcommittee on Research and Development

Committee on Environment and Public Works

Subcommittee on Environmental Protection

Committee on Finance

Committee on Budget

Committee on Governmental Affairs

Subcommittee on Federal Spending, Budget & Accounting

Subcommittee on Oversight of Government Management

Permanent Subcommittee on Investigations

Committee on Small Business

Committee on Veteran's Affairs

As the reader can see, there are a large number of Senate commit-

tees and subcommittees to deal with, and the House of Representatives has a similar list. In addition, both houses can form select and special (ad hoc) committees. For example, the House of Representatives has a Permanent Select Committee on Intelligence, and recently had a Select Committee to Investigate Covert Arms Transactions with Iran. To perform their functions on these committees and subcommittees, members of Congress can use the services of professional and personal staff members, the General Accounting Office (GAO), the Congressional Budget Office (CBO), the Office of Technology Assessment (OTA), and the Congressional Research Service (CRS) element of the Library of Congress.<sup>2</sup>

Another important point for the Air Force program manager to understand is the very powerful role committee or subcommittee chairmen have and exercise. Their power includes: ♥

- Calling meetings

- Approving agendas

- Scheduling witnesses

- Presiding; i.e. recognizing members or witnesses to speak

- Orchestrate committee or subcommittee activities

- Controlling hiring of the professional staff members

Although the seniority system used to dictate who got these chairmanships, exceptions have occurred in recent years.

Oversight is supposed to be restricted to those committees or subcommittees having jurisdiction over a particular function or area; however, since there are so many committees and subcommittees, and since this is an excellent method to get increased public exposure and recognition, there are often "turf battles"

over who has jurisdiction. The usual result is that several committees or subcommittees decide they all have jurisdiction, and therefore all exercise their oversight responsibilities. The following are some of the techniques used by Congress to exercise their power of oversight: <sup>10</sup>

- Conduct hearings
- Conduct investigations
- Authorization reviews
- Non-statutory controls; e.g. informal meetings
- Requiring studies and reports to be submitted
- Obtaining informal information from special interest groups
- Senate confirmation of Executive nominees process
- Studies and surveys by the GAO, CBO, OTA, and CRS
- Casework by Congressional staff

Hearings are very important elements in the Congressional oversight function. Every Air Force program manager should be familiar with hearing "groundrules" and various purposes in addition to oversight functions. Hearings are held by committees or subcommittees. They are formal! Witnesses give (1) "testimony" or (2) statements followed by questions and answers. There are four types of hearings: <sup>11</sup>

1. Legislative Authorization and Appropriations Committees and subcommittees are examples. Witnesses have few rights and must answer questions.
2. Oversight As explained above, these hearings determine how well the Executive Branch is implementing laws. Same procedure as legislative hearings.
3. Investigation Witnesses can refuse to answer questions and

have more rights.

4. Advise & Consent By Senate committees only. For ratifying treaties and confirming nominations.

Briefings are different from hearings. They are informal and may be requested by Congressional members, committees, subcommittees, or staff. The briefer is not a "witness." There is no official record; however, comments are not "off the record."<sup>12</sup> Considering the alternatives, it usually would be to the program manager's advantage to try for a briefing versus a hearing.

A significant method used by Congress to exercise their oversight powers is to require recurring reports be submitted to Congress by the Executive Branch. Air Force program managers should recognize the following examples of mandatory reports to Congress: <sup>13</sup>

Budget Justification Material

- Research and Development Descriptive Summaries
- Congressional Data Sheets
- Selected Acquisition Reports

Other Acquisition Reporting Information

- Unit Cost Report
- Unit Cost Exception Report
- Contract Award Report

Investigations

A special category of oversight is the power of Congress to conduct investigations for the purposes of

Fact finding  
Watch Dog Role  
Informing the Public  
Resolving questions<sup>14</sup>

The term "investigations" was not specified in the Constitution, but is a traditional role dating back to the House of Commons. A

1927 landmark Supreme Court Decision upheld the constitutionality of Congress to conduct investigations saying it was necessary for Congress to exercise all of its' legislative powers.<sup>13</sup> Investigations may be requested by any source; e.g. members of Congress, the media, special interest groups, citizens, etc. Investigations may be conducted by individual members, committees, subcommittees, the GAO, or the "Surveys and Investigations Staff" of the House Appropriations Committee, etc. The investigators can use briefings, hearings, interviews, or trips.<sup>14</sup> Congress has the power to subpoena; i.e. to require persons to testify or produce documents. They also have the power to punish for "contempt of Congress." This was an Elizabethan precedent which has been upheld by the Supreme Court in an 1821 decision.<sup>15</sup>

The principal investigative arm of Congress is the GAO, created by the Budget and Accounting Act of 1921 to strengthen Congressional oversight powers.<sup>16</sup> As an arm of Congress, the GAO conducts audits, reviews, investigations, and makes recommendations. When performing these functions relating to the Air Force, the GAO's principal liaison is through the Assistant Secretary of the Air Force for Financial Matters (SAF/FM) and the Assistant Deputy Auditor General in the Air Force Audit Agency (AFAA/AI). Specific requirements for working with the GAO are contained in Air Force Regulation (AFR) 11-8. By law, the GAO is supposed to have access to all Air Force information; however, there are a few exceptions described in AFR 11-8.<sup>17</sup> Discussions about working with the GAO, as well as pitfalls to avoid, are provided later in this study. Suffice to say, the GAO is a pow-

erful, legitimate tool of Congress.

#### Other Powers and Responsibilities

The Congress has other responsibilities and powers granted by or derived from the Constitution. The Senate has the power to conduct hearings on top level Executive Branch nominations, and the responsibility to confirm, or not confirm, these appointments. This includes military promotions, although this is usually, but not always, a formality. Congress can propose amendments to the Constitution by 2/3 votes in both houses. The amendments must be ratified by 3/4 of the states to pass. The House elects the President in case of an electoral college tie, and the Senate elects the Vice President in case of an electoral college tie. Congress has significant powers relating to foreign policy; i.e. the power to declare war, ratify treaties, provide funds, regulate foreign and interstate commerce, etc. Finally, Congress can impeach and remove federal officials.<sup>20</sup>

#### CHECKS AND BALANCES

The preceding section identified the primary responsibilities and powers of Congress, but the writers of the Constitution did not intend that all powers be vested in one branch of government. Thus, the Constitution spreads powers and responsibilities among the three branches: Congress, the President, and the Supreme Court. This section analyzes the various powers of Congress and the Executive Branch to identify those an Air Force program manager can use to his advantage in managing his program.

#### Funding and Spending

As discussed previously, Congress controls funds for Air Force acquisition programs, but in reality the program manager has some tremendous advantages. At the start of the process, the program manager has the distinct advantage of "initiative"; i.e. he is the one who develops the program plan and the budgetary needs to support that plan. He can ensure that all tasks are covered and adequate reserves built in. In a sense, he gets in the first lick. This is always an advantage because the initiator gets to set the "tone" and the other party usually works off that as a starting point, making some changes, but leaving the basic structure of the program and budget intact. It is also advantageous to be the initiator since the other party often has to play catch up. The program manager also has the advantage that he is an expert in his program, whereas Congress will only have cursory time to delve into the budget. If the program manager can structure the budget clearly and concisely, with good backup details and rationale, it is difficult for Congress to cut funds other than making arbitrary large modifications.

The program manager also has the advantage at the other end of the process; i.e. he controls the day-to-day spending of the money. If the program manager has planned his budget well and manages his money prudently, he essentially has full control over his program. Success, or failure, lies in his hands. For example, Congress usually doesn't interfere in the contractor source selection process and dictate awards be made to specific contractors. This is left to the Air Force.

There have been cases in history where Congress authorized



programs and appropriated funds, yet the Executive Branch didn't want to spend the funds for the directed purpose. In these cases, the President "impounded" the funds; i.e. didn't spend them. As a result of battles between President Nixon and Congress in 1973 in this type of situation, Congress passed the Congressional Budget Impoundment Act of 1974. This law created the CBO in an attempt to give Congress better overall vision into the total federal budget submitted annually by the President. It required the President to notify Congress of those cases where he didn't want or need to spend appropriated funds, and it gave Congress the right to overrule the President and force the funds to be spent.<sup>21</sup> Although Congress can put very specific direction into their legislation and thus "micromanage," the day-to-day management of funds is left to the program manager.

#### Executive Orders and Legislation

Although the Constitution specifically grants the powers of legislation to Congress, it has been recognized over time that the President has the right to issue Executive Orders (E.O.) and Administrative Orders based on general powers granted to the President by the Constitution and the laws of the United States. The President can use these instruments to interpret or construe what the laws mean, or determine rules and regulations needed to administer the Federal Government. Thus, the President essentially has an "administrative" law making capability. The President is required to publish these orders in the Federal Register and the Code of Federal Regulations. In cases of dispute or conflict with Congressional legislation, the Supreme Court de-

termines legality of the orders. Some are upheld and some are not.<sup>22</sup> While this may seem irrelevant to an Air Force program manager, it really isn't since these orders flow down into tax codes, cost accounting standards, DOD directives, Air Force regulations, etc. While the situation probably rarely presents itself to a program manager, these Executive Branch "tools" are available and can be used if necessary.

Of course, the more familiar Executive Branch checks and balances over the legislative process involve the President's veto power and his preeminent role in proposing legislation to the Congress. Again, the President (hence, the Air Force program manager) has the advantage of initiative in proposing legislation to the Congress. The Congress can pass it, or modify it and then pass it. To become law, the President must sign the bill within ten days; or he can choose to veto the bill and send it back to Congress. If the President doesn't sign within ten days, the bill becomes a law, unless Congress has adjourned, in which case it doesn't become a law. This latter case is a "pocket veto." If the President has vetoed a bill and sent it back to Congress, they can override the veto by a 2/3 vote in both the House and Senate. Again, it isn't likely that a program manager will be directly involved in or responsible for a Presidential veto, but it can happen. It is much more likely that a program manager will be able to plan and influence legislative initiatives up front, before the President submits them to Congress.<sup>23</sup>

#### Foreign Policy

For program managers involved with foreign military sales,

the importance of Executive Branch decisions, policy, and agreements can have significant impact. The Executive Branch takes initiative to determine what the policy of the United States should be with respect to foreign governments, and only the Executive Branch can negotiate treaties with these governments. To become a treaty, the Senate must ratify it by a 2/3 vote. If the Senate rejects the proposed treaty, the President can resubmit as a proposed "agreement" which can take effect if joint resolutions are passed in both the House and Senate by only a majority vote. Another alternative, if the Senate rejects the proposed treaty by a 2/3 vote, is to make it a law by majority vote in both houses. The President also has the power to make Executive Agreements with foreign governments; however, the Supreme Court has the authority to declare them invalid if they violate law. In the past, Congress (in accordance with their oversight role) was concerned that the President was making Executive Agreements with foreign governments and not even reporting them to Congress. Now, in accordance with law, the President must report any such agreements to Congress within 60 days of execution.<sup>24</sup> Of course, Congress can counter with powers of their own: withhold funds necessary to implement, pass laws to invalidate or modify, require studies to be performed and reports to be submitted, hold hearings, etc. Once again, the program manager has the advantages of initiative and day-to-day involvement on his side when dealing with foreign governments.<sup>25</sup>

#### Other Advantages and Disadvantages

Due to the structure of the Executive Branch, the

President (hence the program manager) has some significant but basic advantages over the Congress. There is one President and 535 members of Congress, thus the President can make decisions, plan programs, implement policy, and manage the Federal Government relatively quickly and concisely compared to Congress.

- Congress must manage by committee--a committee comprising 535 members. Congressional action is usually slow and often ends up as a watered down compromise. The Congress operates in a more public environment, whereas the Executive Branch can formulate plans, discuss alternatives, negotiate, and make decisions in relative confidential settings. Although Congress has made progress to strengthen their expertise base by increasing staff and establishing the GAO, CBO, CRS and OTA; the Executive Branch still has the overall depth of expertise. This is particularly true for the weapon system acquisition process which often deals with highly technical subjects. Members of Congress are politicians, generalists, and very busy. It is rare to find one that understands the technical complexities of Air Force weapon systems, and this is the reason they rely on their staff to pump them up on the issues, provide questions to ask at hearings, etc. This is a distinct area of advantage for program managers. 24

- As the single head of the Executive Branch, the President can take action in the absence of legislation. This means that if something needs to be done, and it isn't against the law, the President (program manager) can use his initiative to act. In essence, the President can fill the power vacuum. It is much more difficult for Congress, with its' committee of 535 "chiefs",

to do this. It is often difficult for members of Congress to agree on anything, and it is a very slow process to draft and pass legislation to turnaround or negate Presidential initiatives.<sup>27</sup>

The President has another powerful tool he can use when dealing with Congress--the doctrine of "Executive Privilege." This was begun by President Taft when he issued E.O.1062 which said that the President could deny to Congress either information or testimony by his subordinates. This allows the President to protect the confidentiality of information and actions within the Executive Branch. Although it is used rarely, the Supreme Court has held that the doctrine is legal; however, the court has the ultimate responsibility and authority to decide individual cases. For example, during the Watergate situation, President Nixon did not want to turn over his tapes under the doctrine of Executive Privilege. The Supreme Court examined the tapes and determined that the President had to turn the tapes over to Congress. He did.<sup>28</sup> From the program manager's perspective, the Congress usually has the legitimate right to involve themselves in any and all aspects of government operations (i.e. oversight).<sup>29</sup> Thus, withholding of information is rarely done, but the doctrine of Executive Privilege is one of those exceptions that program managers might find themselves involved in.

Congress has other disadvantages. Congress has no one in charge. Their operation is one of decentralized management.<sup>30</sup> Congress often has difficulty getting information because they are so far removed from it, they don't know it exists, and they

don't have ready access to it. They are much more sensitive to public pressure, especially from their home districts. Their "base" of public support, therefore, is small compared to the President's which is nationwide. Finally, it is very difficult for Congress to develop and coordinate comprehensive policies or plans.<sup>31</sup> In each of these areas, the Executive Branch, and therefore the program manager, has some advantage that can be exploited.

#### WHAT MOTIVATES MEMBERS OF CONGRESS?

At this point we have to ask "Why does Congress act the way it does?" The previous sections explained the authority and powers of Congress relative to the Executive Branch, but now we have to get "inside their heads" to understand what makes them tick. To repeat an earlier premise, just like a military commander must know his enemy, program managers must have a good understanding of Congress. We've explained what Congress does, now we will cover why they act the way they do and who influences them.

#### Why Does Congress Act the Way it Does?

To understand the many varied motivations of Senators and Representatives, it helps to simplify the dimensions as suggested by Liske and Rundquist:<sup>32</sup>

1. Constituency serving
2. Career Serving
3. Institution Serving
4. Agency Serving

One must quickly observe that these four categories are not mutually exclusive; for example, obtaining big military contracts for a contractor in a home district is constituency serving, which in term will help the member get reelected--which is career serving. The author would add a fifth category: fundamental beliefs. For example, the member may have basic moral, ethical, financial, religious, educational, or family beliefs that drive his or her thinking and actions. Anti-military convictions for example.

Constituency serving needs little explanation. It is behavior motivated by political and economic interests of the member's electoral unit--the voters back home. This is perfectly normal and legitimate. In fact, the basic intent of the Constitution was that members of Congress represent the people in their home districts or states. It includes protecting jobs, obtaining new contracts for businesses, keeping taxes down, providing more social services, ensuring security, maintaining a clean environment, protecting morals and religious freedoms, etc. In fact, members of Congress are interested in anything that affects "their" voters, especially if the voters are complaining or upset. The following statement by California Congressman Bob Leggett is an excellent illustration<sup>33</sup>

"I've got to be picky and choosy about what I try to terminate, because if I've got a large submarine with 8,000 people working on it in my district, I'm not about to terminate the

contract and put 8,000 people out of work."

This is commonly referred to as "pork barrel" politics and is probably the strongest motivator for the average member of Congress because it has a direct impact on the next category.

Career serving is behavior motivated by the member's personal goals, ambitions, desire for respect, quest for power, need for family security, and aspirations to "make his mark." Members of Congress usually do not get rich from their government service--they are in it for other intangible reasons. Members of Congress can help their careers by serving their constituents, getting good public exposure, getting access to information that others haven't, doing favors for influential people, serving their country credibly (e.g. improving military security, foreign policy, economic status, etc.), supporting their political party, and basically making more friends than enemies. It is the author's opinion that this is the most powerful motivator of a member's actions. This is a vitally important area that a program manager should be aware of and use to advantage if possible.

Institution serving is behavior motivated by the desire to serve elements of the legislative branch; i.e. the Congress. The member is motivated by the multiple committees and subcommittees that he or she serves on. For example, if serving on an environmental protection subcommittee, the member will be concerned about military construction projects that could harm the environment. The member is motivated to serve his political party or special political interest groups. For example, the member may



be an activist in a liberal Democrat study group that wants to curtail defense spending in order to free up more funds for domestic social programs. This might motivate the member to oppose the Peacekeeper missile or the B-2 bomber regardless of their national security implications.<sup>34</sup>

Agency serving promotes the interests and functions of the Executive Branch; i.e. the Air Force, FBI, Federal Reserve, State Department, etc. The basic idea here is that the member is concerned about the operations of the U.S. Government and wants to ensure that governmental agencies are functioning effectively and efficiently, in accordance with the law, and for the welfare of the people. Thus obtaining effective weapon systems to maintain security of the country and support national policy objectives is a legitimate motivator of members of Congress.

If a program manager is to deal effectively with Congressional criticism, he must understand the basis for the criticism, i.e. the real cause of the criticism. Often times, problems on the surface are merely symptoms of the real problem underneath. It usually doesn't help to attack just the surface symptom. The root cause of the criticism must be ferreted out. There are many reasons a member of Congress might criticize an Air Force weapon system acquisition program:

- Basically anti-military
- Seeking to gain a reputation
- Trying to cut the budget
- No jobs in his home district
- Owes a favor to another member
- Supports another weapon produced in his home district
- Non-believer in the concept of deterrence
- A pacifist
- Misunderstanding

- Loss of a child in Vietnam

And the list goes on. If program managers don't understand the real reason for the criticism, they can't deal with it effectively.

#### Who Influences Congress?

Although members of Congress are certainly capable of good original thought, they are largely motivated by interaction with external forces; that is, other people. These external forces exert great influence on the members for the reasons covered in the previous section of this report. This section identifies these external forces. If program managers can determine who is influencing a member of Congress criticizing his program, it may help clarify the issues and discover the "root" cause of the criticism. Armed with this information, the program manager can better deal with program criticism, or better yet, posture to head off criticism before it occurs. The information might also reveal various courses of action the program manager can pursue to rebut, disprove, argue, or defend against criticism. The following summarizes who influences Congress:

##### Constituents

- Individual citizens: voters, friends, neighbors, etc.
- Business: Chamber of Commerce, companies, unions
- Groups: such as Rotary Club, Churches, American Legion

##### Lobbyists

Political action groups (PAC)

Campaign supporters and contributors

Special interest groups

Other elements of Congress

-Staff

--Personal

--Professional

-Service organizations: such as GAO, CBO, OTA, CRS

-Political party

-Caucuses <sup>33</sup>

- Racial: such as Congressional Black Caucus
- Issues oriented: such as Pro-life Caucus
- Economic: such as Senate Footwear Caucus
- Colleagues
- Committees and subcommittees
- Executive Branch
  - Agencies: such as DOD, Air Force, State Department, etc.
  - Individuals: such as President, cabinet members, or staff
- Media: such as television, newspapers, radio
- Industry: Individual corporations and trade associations
- Unions
- Advisory organizations 34
  - The Congressional Club
  - U.S. Association of Former Members of Congress
- Foreign governments, agencies, businesses, individuals, etc.
- Social and recreational acquaintances

Of all the above examples of forces that influence members of Congress, their voters, their constituents are often the most important sources of influence. Why? Because career serving is the most important motivator for most members of Congress! They want to get reelected.

In recent years, the roll of "staff" has become more important as issues have become more numerous and complex, and also as Congress tries to strengthen its' role in the management of the government. There are about 12,000 personal staff working in Congress now. Their emphasis is on getting their member re-elected, thus they spend a lot of time working with the media, public relations, and constituency issues. There are about 3,000 professional staff in Congress now. Their emphasis is on the work of the committees and subcommittees. They spend most of their time drafting and reviewing legislation and programs. The professional staffer is a key source of influence that Air Force program managers are likely to encounter for the specific purpose of discussing status of their acquisition program. The Congress-

sional support agencies (GAO, OTA, CBO, and CRS) contain about 5,000 people, and can also be a significant influence on the member. Program managers should never pass up the opportunity to talk to these people to ensure they have current, accurate information about the status of the program.<sup>37</sup>

Lobbyists and over 4,500 political action committees (PAC) are a source of great influence on members of Congress.<sup>38</sup> They represent a special interest group or a "cause" of some sort. Since "information is power" in Congress, the lobbies and PACs will perform research, gather data, provide information, write speeches and provide all of these to the member in the hope of influencing his or her thinking. If the member of Congress has lunch with a PAC to discuss issues, he or she can receive a \$2,000 honoraria for his appearance on top of his free lunch. Clearly, lobbies and PACs wield great influence!

#### Congressional Ethics

Program managers have to understand the rules "of the game" if they ever hope to deal effectively with Congressional criticism; but more importantly, they must understand that members of Congress get to play with a different set of rules. The reason for this, of course, is because they have different responsibilities, authority, and interests--all in accordance with the intent of the Constitution. The Constitution didn't mean for the Congress to be an efficient, streamlined, disciplined body. We expect members of Congress to deliberate, negotiate, compromise, bargain, and trade favors. Why? Because individual mem-

bers have limited leverage.<sup>39</sup> They have to operate differently than Air Force Officers to get things accomplished. Different laws, rules, and expectations of conduct are expected from them.

At this point we get to the important point of ETHICS and the big secret essential for successfully dealing with Congressional criticism. When Congress publicly criticizes a program manager's program, the normal human reaction is anger or disgust. Often the criticism is biased, unfair, misleading, wrong, narrow sighted, or just hype to attract media or public attention.

The program manager is angry, frustrated, and discouraged. He can't understand why the member of Congress would do such a thing. At this point the program manager has several alternatives. He can angrily try to "strike back" at the member by publishing a rebuttal, maybe omitting a few facts, maybe quibbling in a "gray area", maybe slightly biasing his response in favor of his program, and maybe--just maybe--getting himself in trouble, inviting inquiries by the media, making the situation worse.

On the other hand, the program manager can (try to) remain unemotional, consider the situation from all viewpoints, and try to figure out the origin of the criticism. What committees and subcommittees does the member serve on? What was his motivation? Who might have influenced him? Was he unintentionally misinformed, or was the criticism purposely biased and misleading? Once the program manager has these answers, he can then evaluate his various courses of action and implement those selected.

In the author's opinion, the BIG SECRET is to remain calm and recognize that members of Congress are different, have dif-

ferent jobs, different motivations, different operating rules, and yes--different ethics! Not flawed. Not wrong. Just different. Once a program manager understands this and accepts it as a normal, legitimate, expected characteristic of "the game", he can get on with his job of managing his program, and he can deal with Congressional criticism much more effectively.

One of the most aggravating situations is when a member of Congress puts the welfare of his constituents above the good of the nation. For example, in the late 1970's, Senator Jake Garn (Utah) and Senator Paul Laxalt (Nevada) were known as "Hawks" for their support of a strong U.S. nuclear deterrence force including modern ICBMs--that is, they were vigorous proponents until they learned that the Carter Administration planned to base the MX ICBM in their states. Senators Garn and Laxalt then became ardent opponents of the missile.<sup>40</sup> The "Code of Ethics for Government Service" contained in a federal law passed by Congress says

"Any person in Government service should:

I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department."<sup>41</sup>

Clearly, the about face of these Senators showed that they put their loyalty to their constituents above the country. Air Force program managers must put their country first!

Other examples of similar "Pork Barrel" politics abound. In November 1988, Senator Arlen Specter and Representative Thomas Foglietta, both of Pennsylvania, issued statements against the closing of the Philadelphia Naval Shipyard and the loss of 8,400

jobs.<sup>42</sup> In November of the same year, Senators Jeff Bingaman and Pete Domenici, both of New Mexico, wrote to the Pentagon protesting the plans of the Pentagon to close a laser facility in their state that was deemed not cost effective.<sup>43</sup> Closing of some of the 4000+ military bases in the U.S. that are no longer needed has proven next to impossible in recent years due to the stonewalling of Congress. Every member of Congress knows that some of these facilities and bases should be closed, but they don't want bases in "their" home state or district closed.

Another difference involves acceptance of money from special interest groups, lobbyists, or PACs--sometimes referred to as "legalized bribery.". Members of Congress are allowed to accept campaign contributions up to \$1,000 from each group or PAC. They can accept an honorarium of up to \$2,000 to supplement their income for any speech, article, or appearance. In addition to the \$2,000, they can accept travel expenses, lodging expenses, food expenses, or any other necessary expenses associated with an appearance--for themselves, their spouse, and any aides.<sup>44</sup> They can also accept gifts totaling up to \$100 from any one lobby, individual, or corporation in a year. Gifts under \$35 in value don't count toward the total.<sup>45</sup>

Another area involves release of classified information. In September 1988, Congressman Jim Wright publicly disclosed classified information provided by the Central Intelligence Agency (CIA) to the Permanent Select Committee on Intelligence regarding CIA activities in Nicaragua. Mr. Wright said

"Of course we have to protect genuine government secrets, but

a democracy must never allow secrecy to be used as a cloak to hide bad policy from the public."<sup>44</sup>

Mr. Wright felt he had the right to use his personal judgement to decide whether or not this particular information was properly classified, and he evidently felt it wasn't. Air Force program managers obviously don't have this latitude.

On 17 October 1988, Senator Carl Levin from Michigan published a scathing editorial in the Washington Post about the "sorry saga of the B-1 bomber" and the failure of the Pentagon regarding the bomber's electronic countermeasures (ECM) system.<sup>47</sup> While top level DOD and Air Force executives can publish editorials defending or discussing defense issues, it would be unusual for one of them to publish an editorial criticizing a Congressional function; e.g. Congressman John Doe's poor performance as a subcommittee chairman. It certainly is inappropriate for Air Force program managers to initiate editorials that are critical of Congress operations.

After Congressional hearings, it is normal practice to review the draft transcript of the testimony. Air Force personnel are allowed to check facts and accuracy of the transcript, but never make substantive changes. Members of Congress on the other hand, feel completely free to make major changes to what was actually said, sometimes inserting large blocks of "testimony" that were never addressed! <sup>48</sup>

When Congress enacted the 1964 Civil Rights Act prohibiting various acts of discrimination, they exempted themselves from this federal law. In a similar manner, members of Congress and



their staff do not pay into Social Security, are not under the Civil Service system (except they can elect to retire under it), and are not covered by the regulations of the Occupational Safety and Health administration. 42

When competitively selecting a contractor for a new weapon system acquisition program, Air Force program managers must be fair, unbiased, and ensure that the contractor who is "overall most advantageous" to the government is selected. Members of Congress are not similarly constrained. They can, and often do, express a preference for a particular contractor--usually in the member's home state or district. Fortunately, such Congressional statements don't usually affect the source selection.<sup>50</sup>

Laws, rules, regulations, and expectations of conduct are different for members of Congress and members of the Executive Branch; i.e. Air Force personnel. Table 1 summarizes these differences. When reviewing the table, it often seems hypocritical, unfair, wrong, and plain "unethical" that members of Congress can act this way. While it is true that the table points out areas where members of Congress might have advantages, they are not unfair or wrong--certainly not illegal. Just different because Congress has different responsibilities, different outlooks, and different motivational influences as discussed earlier in this report. The next chapter will discuss alternatives open to program managers to deal with Congressional criticism. It will identify areas where the program manager has advantages and recommend strategies to effectively deal with such Congressional criticism.

ACCEPTABLE CONDUCT/ACTIVITY OF	CONGRESS	PROGRAM MANAGERS
Relative to one and another:		
- Investigate	Yes	No
- Critical editorials	Yes	No
- Subpoena	Yes	No
- Lobby/influence	Yes	Not with appropriated funds
- Personal criticism	Yes	No
- Initiate critical editorials	Yes	No
- Make deals/trade favors	Yes	No
Accept honoraria for appearance	Yes ≤\$2000 ea	No
Accept gifts	Yes ≤\$100/yr per giver. Under \$35 doesn't count.	Yes under \$5 for promotional items
Accept travel, food, lodging, & other necessary expenses	Yes	Sometimes if not available any other way
Put good of country first	Not always	Yes
Favoritism for a contractor	Okay	Not okay
Fair & Unbiased	Not always	Yes
Participate in political rallies	Okay	Not in official capacity
Take spouse on official trips	Okay	Not okay
Post-employment restrictions	Few	Many
Leak classified information	Easier to do	No
Modify hearing transcripts	Major changes	Fix errors only
Influence laws to help a particular contractor	Yes	No
Constrained by these laws:		
- 1964 Civil Rights Act	No	Yes--no discrimination, etc.
- Civil Service Act	No	Yes
- Occupational Safety and Health Administration	No	Yes

TABLE I  
DIFFERENCES BETWEEN CONGRESS AND USAF PROGRAM MANAGERS

## NOTES

### CHAPTER 2 (Pages 7-35)

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3. CONGRESSIONAL INVOLVEMENT AND RELATIONS. A GUIDE FOR DEPARTMENT OF DEFENSE PROGRAM MANAGERS, Ft Belvoir, Virginia: Defense Systems Management College, November 1986, p. 40.

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5. Ibid., p. 60.

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7. 1987-1988 CONGRESSIONAL DIRECTORY 100th CONGRESS, Wash DC: U.S. Government Printing Office, 15 April 1987, p. viii to x.

8. Ibid., p. xvi

9. CONGRESSIONAL INVOLVEMENT AND RELATIONS, p. 25.

10. HOW CONGRESS WORKS, Wash DC: Congressional Quarterly INC., 1983, p. 88.

11. CONGRESSIONAL INVOLVEMENT AND RELATIONS, p. 44.

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15. Ibid., p. xiii.

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21. Byron W. Daynes and Raymond Tatalovich, Presidential Power in the United States, Monterey, California: Brooks/Cole Publishing Company, 1984, p. 15.

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30. Ibid., p. 17.

31. Sundquist, p. 157 and 184.

32. Craig Liske and Barry Rundquist, The Politics of Weapons Procurement: The Role of Congress, Denver, Colorado: University of Colorado, 1974, p. 4.

33. Ibid., p. 85.

34. Ibid., p. 32.

35. CONGRESSIONAL INVOLVEMENT AND RELATIONS, p. 20.

36. 1987-1988 CONGRESSIONAL DIRECTORY 100th CONGRESS, p. xiii.

37. CONGRESSIONAL INVOLVEMENT AND RELATIONS, p. 28.

38. "The Power Game," Channel 26, WAIQ Television, Montgomery, Alabama: 2 January 1989.

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44. Final Report of the Select Committee on Ethics, U.S. House of Representatives, Report No. 95-1837, Washington DC: U.S. Government Printing Office, 3 January 1979, p. 27 to 29.

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46. Jim Drinkard, "Wright Renews Debate Over Secret Information," The Montgomery Advertiser, 9 October 1988, p. 10A.

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48. CONGRESSIONAL INVOLVEMENT AND RELATIONS, p. 48.

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## CHAPTER III

### WHAT CAN THE AIR FORCE PROGRAM MANAGER DO?

#### GENERAL GUIDELINES

##### Cooperation with Congress

According to AFR 11-7, "Air Force Relations with Congress," it is the policy of the Air Force to cooperate with Congress and make full information available promptly. Members of Congress are entitled to receive:<sup>1</sup>

- Classified information in accordance with AFR 205-1. It must be safeguarded and requires the consent of the Secretary of the Air Force (SAF).
- For Official Use Only (FOUO) information in accordance with AFR 12-30. Public release not allowed. If an Air Force member questions whether or not the FOUO information should be given to Congress, it must be sent up through the chain of command for a SAF determination.
- Personal information must be protected in accordance with the Privacy Act. See AFR 12-35.
- Other information involving accident or incident reports, Office of Special Investigations (OSI) reports, or Inspector General (IG) inspections have restrictions for release. See AFR 11-7 for guidance.<sup>2</sup>

The key point is that only the SAF can deny information to members of Congress. If in doubt, the information must be forwarded to his office with rationale for release or withhold.

##### Truthfulness

It should go without saying that program managers should provide accurate, correct information to Congress. Attempts to mislead or "hedge" an answer often backfire, particularly when

the media is involved. It is best to be up front and tell the truth. There is no excuse for getting caught in a lie.

There are techniques for mitigating valid Congressional criticism, particularly when the member is "making a mountain out of a mole hill." First, admit that the criticism is valid. Then, attempt to put it into context; i.e. explain that in the big picture the problem or issue is minor. Explain that these problems are normal (if they are) for this type of a development program. Finally, explain that alternatives have already been examined and a plan of action to correct the problem is already in work. If possible, turn the situation into one that provides favorable information on the program; e.g. showing videos of other successes. Thus, a media interview, hearing testimony, or written response to a Congressional inquiry can be turned to the program manager's advantage.

#### SAF/LL AND AF/ACB

In accordance with AFR 11-7, Congressional liaisons have been established in the Pentagon. The Legislative Liaison office in the office of the Secretary of the Air Force (SAF/LL) is responsible for Congressional liaison involving:

- Legislation
- Evaluations
- Testimony
- Scheduling meetings with Congress
- Reports and replies
- Information release (including classified)
- Record keeping
- Monitoring correspondence and Congressional activity
- Arrangements for Congressional travel and visits

The Air Force Director of Budget (AF/ACB) is responsible for liaison activities with Congress involving:

- Appropriation and Budget committees
- CBO, OMB, and OSD on all budget & appropriation matters (including queries, replies, testimony, monitoring, record keeping, etc.)

Both SAF/LL and AF/ACB are to be involved in activities related to Congressional authorization activities (e.g. committees, bills, testimony, etc.). It is important that program managers work through these offices; however, it is permissible to respond directly to Congressional inquiries (e.g. answering questions during a Congressional visit) as long as SAF/LL and/or AF/ACB are backfilled.

#### HQ AFSC/CSL and ACB

Since most Air Force Program Managers are in Air Force Systems Command (AFSC), it is important to know that AFSC also has a congressional liaison office--HQ AFSC/CSL--and a budget office--HQ AFSC/ACB. They are essentially counterparts to SAF/LL and AF/ACB. Program managers need to keep these AFSC offices informed and "in the loop."<sup>3</sup>

#### Other

There are several other miscellaneous guidelines when dealing with Congress. Program managers must remember that members of Congress are particularly motivated by Air Force actions that may affect their constituents or home districts. Therefore, program managers should never "scoop" or "surprise" a member of



Congress about activities affecting his district. For example, contract awards require Congressional notification in advance of an Air Force announcement. This allows the member of Congress to be appropriately prepared with a press notice, statement, etc. Also, when writing or speaking to a member of Congress, the old saying about "KISS" applies; i.e. "Keep It Simple Stupid." Members of Congress are usually not technical or engineering experts; therefore, highly technical terms should be avoided and acronyms minimized. Simplify concepts and always try to put into context of the big picture. Also, remember that most Congressional inquiries have short suspenses--often 24 hours. It is acceptable to provide the best answer available within the suspense requirement, but follow up with missing answers or more complete information at a later date if necessary.<sup>4</sup> Program managers should keep a copy for their records. If a member of Congress shows up for an unannounced visit and can be properly identified (check ID card if necessary), it is okay to let the member in and talk to him or her; but notify SAF/LL and HQ AFSC/CSL immediately and send any photos taken to SAF/LL within 72 hours. Program managers may invite members of Congress to visit government or contractor facilities, but must work through SAF/LL and provide 60 days advance notice.<sup>5</sup>

## ALTERNATIVES FOR PROACTIVE PROGRAM MANAGERS

To deal successfully with Congress, good program managers must understand the authority and role of Congress in the U.S. Government, and know what influences and motivates members of Congress. Similarly, program managers must know what they cannot and can do to deal effectively with Congressional criticism. A critical concept that every program manager should be aware of, and practice, is proactive management. That is, don't wait until a problem occurs and Congressional criticism is received! Program managers can do many things to effectively "head off" Congressional criticism before it occurs.

### Before Problem Occurs and Before Criticism Occurs.

Although Congressional criticism can very likely never be eliminated, it is much less likely to occur on a highly successful program that gives a member of Congress almost nothing to "pick on." In other words, a program with no problems usually has very little Congressional criticism. Therefore, program managers should actively seek strategies to minimize problems; i.e. risks, schedule slips, cost overruns, test accidents, etc. The following are some actions a program manager can take:

- Build good relationships with the operational user, AFLC, ATC, test organizations, plant representatives, etc.
- Perform own internal audits on government furnished equipment (GFE) accounts, data reports, pricing of parts, cost accounts.
- Ask for external help: Air Force Audit Agency (AFAA), Air Force Plant Representative Office (AFPRO) or Defense Contract

Administration Service Plant Representative Office (DCASPRO), system acquisition management inspection (SAMI), independent cost assessments (ICA), etc. Special help can be obtained from a variety of sources such as HQ AFSC, Defense Systems Management College (DSMC), Air Force Institute of Technology (AFIT), Air Force Scientific Advisory Board (SAB), etc. If properly structured and used, these organizations can be sources of extra manpower and helpful to a program manager.

- Get good people and provide training continually. Be a teacher of your people. Let them know your policies on ethics, travel, dealing with the contractors, contract changes, etc. Get everybody working toward the same goals and objectives.

- Select good contractors who have experience in this technical area. Ensure the type of contract is appropriate. Don't try to "screw" the contractor with a fixed price type contract when a cost plus type contract is appropriate. Give the contractor a fair profit with incentives to do well. Don't cut your own throat with a "buy in" or provisions that are doomed to fail.

- Ensure you have adequate reserves: budget, schedule, and technical. Murphy's Law will come true--things will go wrong. But if the program manager has built in reserves, normal problems will not significantly affect the "big picture."

- Baseline your program with a signed agreement. Ensure operational requirements are needed and reasonably achievable. Avoid "goldplating." Make sure dollars are adequate to do the job.

- Instill a program attitude to minimize changes!

- Minimize GFE during development programs. GFE is difficult to manage, and clouds the contract when it is late or fails.

- Instill a sense of importance or "Esprit de Corps" in your program office and contractor team. Set goals for product quality and reliability.

- Program managers should draft, or at least help write, their program management directive (PMD). Ensure it is concise. Make sure the user's statement of need (SON) and statement of operational capability (SOC) are for guidance only since requirements must be subject to trade-off decisions, and the program manager needs to make those decisions. Put requirements in the Baseline document.

These ideas aren't new, they're just examples of techniques that all program managers should consider to make their program a success. Some won't work for all programs, and certainly there are many more ideas that might improve the odds for a successful program. The point is, however, that a program manager must take time out from his hectic daily schedule to stop and think about his program and see what can he proactively do to improve it.

The program manager should think about what makes a program successful. Unsuccessful? Why are some models of perfection and others a disaster? The program manager needs to go beyond traditional program management techniques if he or she wants to ensure his or her program is less susceptible to Congressional criticism. The following are some suggestions:

- Cultivate members of Congress, their staffs, or their representatives such as local GAO personnel. Learn all you can about them, and make sure they understand your program. While you cannot spend appropriated funds to lobby Congress, you can provide them information by meeting with them or inviting them to visit your facilities or test ranges.

- Put yourself in the Congressman's shoes. Try to think like him. Where do his interests lie? Can you adapt or show off your program to play to his interests?

- Find a "sugar daddy" to support your program. This can be a senior member of Congress that wields great influence, a committee chairman, or a powerful staffer. Cultivate this person and ensure the need for your program is understood. Try to determine if your program benefits his constituents in any way, and emphasize it. (Note: it also helps to find a "sugar daddy" in the Executive Branch; e.g. the President, Secretary of Defense, an Assistant Secretary, a four star general, etc.)

- Advertise program successes, particularly test successes. Use the media to your advantage and publicize your program. Try to win their support and public enthusiasm for your program. Appeal to their "American Pride" in being the best!

- Generate public support (which can turn into Congressional support) by open houses, speaking at local Rotary Clubs, participating in air shows, etc.

- Encourage your contractors to spread the good word about your program too! They need to be careful about spending appropriated funds when lobbying Congress--it's against the law.

- Program managers need to know and be conscious of which congressional districts and states are benefiting from jobs and contracts flowing down from their programs. Prime contractors can sometimes "spread the wealth" around to ensure that many members of Congress believe the program benefits their constituents. They will be less apt to criticize. Program managers should, as a minimum, have this information available and use it judiciously.

- Program managers should determine if any special interest groups or PACs benefit from their program; i.e. unions or veteran groups. If so, provide information to them so that it can be used to gain Congressional support for the program.

- Read the Congressional Record and any other reports which describe the "mood" of Congress and might indicate pitfalls to be avoided. Use your contractors to obtain information; they do it anyway, so program managers might as well have the benefit of the intelligence gathering effort too!

The point of the above techniques is to try and motivate members of Congress to support the program. If they support the program, they will be less apt to criticize when a minor problem arises, or criticize a nonexistent problem. They might even come to the defense of the program if other members of Congress attempt to criticize. Again, the above list is by no means all inclusive, but it represents the type of thinking a program manager can do (or have a member of his staff do) to try and head off Congressional criticism. Just like a military commander must try to understand his enemy in war, a program manager will be miles ahead if he or she understands the Congressional perspective.

#### AFTER PROBLEMS OCCUR, BUT BEFORE CONGRESSIONAL CRITICISM

If an incident, test failure, or other problem occurs, program managers have two fundamental options: try to hide it, or don't hide it. The option of trying to hide a problem is a losing strategy. It is another form of lying, and there is no excuse for getting caught in a cover up. The best option for program managers is to face the problem head on and let appropriate people know what happened.

Who should the program manager tell? By far the most important is his bosses--his chain of command. Program managers should inform his superiors immediately and follow up when additional information becomes available. Complete reporting is necessary so that there will be "no surprises" up the chain of command if media inquiries or Congressional questions begin to arrive. In short, the program manager should go out of his way to provide full information up his chain of command. With respect to Congress, a different approach is recommended. The program manager should not hide any information, but likewise should not go out of his way to create voluminous, detailed reports for Congress. Why? This type of reporting to Congress would be unusual and might send signals to some members of Congress that something is drastically wrong with the program. Instead, most major programs have periodical reports that go to Congress:

- Test and Evaluation (T&E) Data Sheets
- Selected Acquisition Reports (SAR)
- Unit Cost Reports
- Exception Unit Cost Reports

The program manager should use these type of reports to keep Congress informed--that's their purpose. Sending special reports to Congress about a particular problem just draws unnecessary attention to the program.

Another question involves the media. For everyday problems that are bound to occur on major programs, the author would not go out of the way to inform the media. If there is anybody who can, and will, try to turn a "molehill into a mountain" it is the media. On the other hand, program managers should ensure that their public affairs (PA) office is knowledgeable about program office activities--both good and bad. Then, if media inquiries begin to come in after a problem occurs, the PA office can do its' job and handle it. The program manager should insist that the PA office answer inquiries truthfully. Once again the techniques of trying to put problems into context of the bigger picture and turning a media inquiry into an opportunity to show off program successes should be considered. Finally, if a major incident occurs such as an aircraft crash, program managers need to cooperate with the media because this is big news. Let the PA office do its' job. Program managers should periodically ask themselves "What should we do if a crash occurs?" In other words, program managers need to think through such a possibility and be prepared. (Do you know what you would do?)

When problems occur, program managers need to do more than just report a problem up the chain of command and to Congress.

The program manager needs to instill confidence and a sense of management control to his superiors, to Congress, within the program office, to other team members, and down to the contractors. To do this, several other questions must be answered

- What's the impact of this problem?
  - Near term and far term?
  - To this program or other programs?
- What's the cause; i.e. the root problem?
- What alternatives are possible now?
- Which alternative selected; i.e. plan of action?
- Decision criteria used to select this alternative?
- Cost, schedule, technical impacts?

If a program manager can answer these questions and provide this information to his superiors (and in an abbreviated form to Congress), then the program manager is earning his pay; i.e. a requirement of any manager's job is problem solving. This type of reporting will instill confidence that the program manager is in charge and has things under control.

In summary, when problems occur, program managers should beat any critics "to the punch" by timely reporting of the problem and the plan of action. This avoids any "surprises" to the program manager's superiors and they will then help to fend off any Congressional criticism by providing informed answers or discussion about the problem, its cause, alternatives, impacts, and corrective plan of action. If, on the other hand, a member of Congress beats the program manager "to the punch" and criticizes the program, then the program manager will have to do some things differently to successfully deal with the criticism.



### After Congressional Criticism Occurs

After some type of Congressional criticism has occurred, the program manager's response is situational; i.e. it depends upon the nature of the criticism. As explained earlier, in most situations some type of response is essential, particularly if the criticism is inaccurate, biased, misleading, unfair, or just plain false. An exception would be a situation where the criticism is so untrue or biased that any person over 10 years old would clearly recognize it for what it is--untrue or biased. In this situation, it might be best to "let the sleeping dog lie" and not even honor the criticism with a response which could keep the subject alive and might lead to other issues, problems, etc.

In most other situations, program managers should provide a response to Congressional criticism. This is necessary whether or not the criticism is valid or not. If valid, program managers need to follow techniques outlined earlier: face the issue head on, don't lie, ensure members of Congress know how the program impacts their home districts, ask for help when appropriate, keep bosses informed, put the issue into bigger context, explain impacts, and describe plan of corrective action (hopefully already implemented). This type of approach is dealing successfully with Congressional criticism--it is all a program manager can do!

If the Congressional criticism is not valid, the program manager must approach the situation differently. First, try to understand why the criticism occurred. Who might have influenced

the member of Congress to criticize the program? What was the real motivation behind the criticism? Was the member just misinformed; i.e. an honest mistake? Once the program manager has answered these questions, then he or she can act. For example, it would be counter productive to spend a lot of time on a detailed rebuttal when an honest mistake was made. If the correct information is provided to the member, he or she might be happy to retract the criticism. On the other hand, a scathing Air Force rebuttal might just anger the member (even if the member was wrong) and unnecessarily create a future enemy of the program.

Armed with an understanding of what motivated the untrue criticism, the program manager can then ensure that an appropriate response is prepared to clearly show that the criticism was untrue, biased, misleading, or false. This response should be concise, factual, in plain English, and expressed in terms of the "big picture." It should not be emotional or directed personally against a member of Congress, its' staff, GAO, etc. Its' logic should be clear, easy to follow, and irrefutable. It should address the criticism methodically, point by point. This type of response is appropriate, necessary, and should be forwarded up the program manager's chain of command so that SAF/LL can provide it to Congress.

This is, however, not the only place the response should be sent. First and foremost, copies should be distributed to members of the program office, other participating Air Force

organizations, contractors, and any other organizations that might be associated or supportive of the program; e.g. unions, chamber of commerce, PACs, etc. Why? The answer is to let them know that the criticism was not true, and to arm them with the rebuttal information that might be useful and needed to respond to further criticism from sources they might encounter who don't (or choose not to) know the truth.

Second, the response should not be sent to just the member or members of Congress that criticized the program. It should be made available to other members too, especially supporters and "sugar daddys" that can be counted on to help rebut criticism. Again, it is up to the program manager to arm them with the true facts and point-by-point arguments; otherwise it is difficult for them to help set the record straight and discredit the criticism.

## NOTES

### CHAPTER 3 (Pages 39-52)

1. Air Force Relations with Congress, Air Force Regulation (AFR) 11-7, (Washington DC: Department of the Air Force, 22 December 1983), p. 2.

2. Ibid., p. 5.

3. Air Force Relations with Congress, Air Force Systems Command (AFSC) Supplement 1 to AFR 11-7 (Andrews Air Force Base, Maryland: Headquarters AFSC, 9 May 1984), p. 1.

4. Air Force Relations with Congress, AFR 11-7, p. 2.

5. Ibid., p. 8.

CHAPTER IV  
CAUTIONS AND OBSERVATIONS

DEALING WITH THE GAO

Program managers in charge of major programs which have received significant criticism from Congress can expect to interface with the GAO sooner or later. The GAO, created by Congress by federal law, is an independent, non-political agent of Congress. The GAO helps Congress in its oversight, control, and investigative responsibilities by auditing, reviewing, and examining programs, as well as making recommendations to Congress concerning these programs. By law, the Executive Branch, and thus the Air Force, must provide the GAO information and access "to examine any books, documents, papers, or records...." Program managers must cooperate with the GAO, provide access to relevant information, provide workspace, and generally facilitate any GAO investigations or audits.<sup>1</sup>

AFR 11-8, "Air Force Relations with the General Accounting Office (GAO)", provides definitive guidance for working with the GAO. The office of the Assistant Secretary of the Air Force for Financial Matters (SAF/FM) is the primary liaison with the GAO; and the office of the Assistant Deputy Auditor General (AFAA/AI) is the designated GAO liaison within Headquarters USAF. Program managers must work through these offices and keep them informed on significant matters or issues.<sup>2</sup>

When an Air Force acquisition program is the target of a GAO audit or investigation, the program manager will usually (but not always) get official notification 3 weeks in advance of a GAO work assignment. Upon arrival at the program office, the GAO representatives are supposed to initially meet with the local commander (and the program manager) to introduce themselves and explain the purpose of their assignment, visit, or audit. Proper identification is required, especially if access to classified information will be necessary. Procedures for GAO visits to contractor facilities are contained in Department of Defense (DOD) Manual 5220.22, "Industrial Security Manual for Safeguarding Classified Information." Upon completion of the GAO investigation, the normal process is for the GAO team to give the commander (and program manager) an outbrief or exit interview. The GAO may provide a draft of their report to the commander for review. Program managers should always request an opportunity to review and comment on the draft. This is very important! GAO personnel are often not technically qualified or experienced in Air Force acquisition programs; therefore, they often make mistakes when they try to understand the written information or verbal discussions provided by the program office personnel. A review of their draft will often catch errors and allow the program office to get with the GAO team and correct the mistakes. It is a lot easier to correct errors before the report is submitted to Congress, rather than trying to explain away these "problems" after members of Congress have the report in their hands.

There often is a lot of concern in an Air Force program office when it comes to releasing documents to the GAO or giving them access to available information. Program managers should appoint a senior person as focal point for the GAO visit/audit, and this person must become completely familiar with AFR 11-8 since it provides definitive information on how to deal with the GAO. In accordance with AFR 205-1, classified information can and must be released to properly cleared GAO personnel. (Be sure and get receipts). Oral requests from the GAO for information are okay, but the program manager or commander may choose to require written requests from the GAO for the specific information or documents they want to see. The program manager has the responsibility to ensure that information provided is factual, accurate, and complete. If the information is preliminary, in draft form, not yet reviewed for accuracy, or not coordinated, the program manager should so inform the GAO team and mark the documents as such. However, if the GAO insists upon seeing these documents, they must be provided.<sup>3</sup>

Just because information is in internal working papers, or not an official Air Force position, is not justification for denying access or release to the GAO team. Program managers must provide explanations if the information could be misinterpreted. It is not mandatory to create special summaries or documents for the GAO; i.e. the GAO cannot require the program office to perform new work for the GAO. This usually means that only existing papers or documents are provided to the GAO team. If program

managers believe they have information or documents that shouldn't be released to the GAO team, the program manager can send the information or documents up his chain of command, with an explanation, requesting a determination. At no time is an Air Force member allowed to tell the GAO team that the GAO requested information cannot be provided. According to AFR 11-8:<sup>4</sup>

"Under no circumstances will an individual, commander, or unit head inform a GAO representative that the request is denied, while the referral or staffing is in process."

There are "no provisions for denial of Air Force controlled information to the GAO, except when approval is obtained from OMB as provided for in OMB Bulletin No. 81-14."

This means program managers can refuse to provide documents requested by the GAO, but program managers cannot say this to the GAO team. What the program manager can do is withhold the documents from the GAO, send them up the chain (with an explanation why they should be withheld) for a SAF and subsequent OMB determination, and tell the GAO team that he will be "pleased to provide the documents" when the SAF and OMB determination is made. Obviously, program managers should be careful and judicious when pursuing this approach since it may signal the GAO that the Air Force "has something to hide" and it may result in an antagonistic relationship between the GAO and Air Force program office personnel. The author does not recommend this tactic.

There are, however, some valid exemptions; i.e. documents that are not to be released to the GAO. The senior person acting



as the GAO liaison must be familiar with AFR 11-8 and know what these exemptions are to ensure that specified, sensitive documents are not improperly released to the GAO. The following are some categories of information for which restrictions on release may exist;<sup>5</sup>

- Special Category (SPECAT)
- Internal audit reports by the AFSA
- Outyear program and budget planning
- Reports of other government agencies; i.e. non USAF
- Reports of inspector general (IG) investigations and inspections (e.g. accident and mishap reports)
- OSI reports
- Interim test and evaluations (T&E) reports
- Competition sensitive information
- Some exemptions under the Freedom of Information Act (5 U.S. Code 552 (b)(5) and (b)(7))
- Other material which if disclosed "could reasonably be expected to substantially impair the operation of the Federal Government."<sup>6</sup>

These are only examples of information that may be restricted from release to the GAO. Consult AFR 11-8. Program managers should keep copies of all information released to the GAO.

Proactive program managers should review recent or similar GAO reports issued against other military acquisition programs. This may give the program office insights into the GAO perspective and may help with explanations or clarifications during GAO interviews. Also, after the GAO report is issued, program managers must establish and maintain a corrective action plan to follow up on valid problem areas identified by the GAO report. In summary, program managers being audited or investigated by the GAO must understand the "rules of the game." If they don't, they are asking for additional problems and inviting more Congressional criticism.

### Hearings and Testimony

If a program has received particularly harsh criticism from Congress, the program manager may find himself invited to provide testimony as a witness in front of a Congressional committee or subcommittee. As opposed to informal briefings to members of Congress or their staff, a hearing is a formal affair with statements recorded for the record. Although witnesses are normally informed of the purpose of the hearing, the committee or subcommittee may end up pursuing any subject or issue that they're interested in. There are three types of witnesses: primary, supporting, and backup. The supporting witness sits next to the primary witness in front. The backup witness sits behind. The primary witness often provides a statement, and this would normally be followed by a question and answer session.<sup>7</sup>

Program managers should not underestimate the importance of hearings. Witnesses should be well prepared and work with SAF/LL to prepare statements several days in advance. The statement should be clear, avoid "Pentagonese", provide simple examples or analogies, and of course be accurate. As an official representative of the Executive Branch and the Air Force, program managers are expected to support official policies and positions of DOD and the Air Force--offering personal opinions only if asked. Witnesses must be prepared to address any facet of their program; i.e. they are expected to be experts. A good technique is to dry run strawman questions and answers prior to the hearing. This gives the witness an opportunity to practice and think

through answers to potentially tough questions. Witnesses can prepare by identifying issues, building fact books, and having "murder board" question and answer sessions. Witnesses should be prepared with specific facts. They should remember to relate issues and problems to the "big picture." Testimony, statements, answers to queries, and other information previously provided to Congress should be reviewed so that witnesses will be familiar with what Congress had been told earlier. Hopefully, their testimony will be consistent with prior facts and information provided to Congress. If not, the witnesses should have an explanation for the differences.■

Witnesses should check with SAF/LL to be aware of their rights during a Congressional hearing. For example, during hearings related to legislation (e.g. authorizations and appropriations) or oversight of the federal government, witnesses have few rights—they are expected to answer all questions. On the other hand, witnesses may invoke the Fifth Amendment to protect themselves from self incrimination during hearings labeled as an "Investigation." Even then, such witnesses may be granted limited immunity (i.e. their testimony can't be used against them) and forced to testify. This doesn't prevent other independently obtained evidence from being used against the witness! Witnesses have the right to be accompanied by counsel. Finally, as discussed earlier, on rare occasions, the President can choose to invoke his right of Executive Privilege and prevent a member of the Executive Branch from providing testimony to Congress. This

obviously represents a serious confrontation between the Congress and President, and ultimately the Supreme Court may have to decide whether the testimony is to be given or not.\*

#### Sometimes Bad Luck Just Happens

Program managers must recognize that some program are destined to receive more than their fair share of Congressional criticism. For example:

- Programs that invoke emotions such as
  - Nuclear weapons
  - Chemical or germ warfare
- Programs associated with treaties
  - Weapons in space
  - Anti-satellite
- Programs that cost a lot
  - B-1 and B-2 bombers
  - Peacekeeper ("MX") ICBM
- Programs that might affect the environment
- Programs with significant military construction (MILCON)
- Programs that "compete" with Navy or Army programs
- Programs with significant cost, schedule or technical risk
- Political footballs forced upon the services (e.g. F-111)
- Programs that don't benefit many Congressional districts

So what is a program manager supposed to do if he inherits one of these programs? The answer is simple. He must recognize why the program is destined to receive Congressional criticism, accept it as inevitable, don't let himself get angry or emotional when the criticism is levied against his program, and do his best to run a model program. To some extent, the program manager can blunt the criticism by proactive activities to inform members of Congress and their staffs, or by providing information to special interest groups or PACs that in turn can influence Congress. But the program manager must recognize that with 535 members, there will

always be a few critics in Congress that just won't be satisfied, or will have a "different" agenda.

In a similar manner, it is a rare program that doesn't have any problems during its lifetime. If something can go wrong, it will. There will be test failures, particularly if the technology is significantly advanced. There may be scandals if individuals abuse their positions for personal gain. While it may seem like a program manager cannot do much to avoid these type of problems, this is not true. Program managers can ensure that engineering is sound, component and prototype tests are conducted, risks are evaluated and reduced, etc. Program managers can also set an example for high standards of conduct, demonstrate total integrity, ensure program office personnel are familiar with Air Force policy on ethics and standards of conduct, regularly follow up with training and feedback sessions, etc. Although it often seems like there are not enough hours in a day to do everything that needs to be done, ultimately, program managers are responsible for their programs. There is always room for improvement.

#### "No Nos" For Program Managers

To successfully manage their program and deal with Congressional criticism, program managers need to be bold, proactive, inventive, flexible, calculating, persistent, smart, etc. But one thing they do not need, is to get themselves in trouble by violating laws, regulations, policies on ethics, or

standards of conduct. If this happens, program managers can expect real "criticism", and not necessarily limited to criticism from Congress. The following summarize some "no nos" for program managers:

- Lie, steal, or cheat
- Compromise integrity
- Accept gratuities, gifts, trips, lodging, football tickets, or anything else of significant value (see AFR 30-30)
- Cover up problems
- Mislead your chain of command
- Become emotional, angry, or seek revenge
- Personally attack or criticize a member of Congress
- Tell the GAO they cannot have certain documents<sup>10</sup>
- Use appropriated money to lobby Congress<sup>11</sup>
- Make "deals" or do "favors" that you wouldn't mind seeing on the front page of the Washington Post
- Favoritism for, or unfair bias against, a contractor
- Discriminate on basis of race, ethnic origin, sex, age, etc.
- Offer personal opinions at Congressional hearings; or be sarcastic, emotional, unprofessional, or misleading.
- Failure to recognize and admit a conflict of interest
- Withhold information from Congress unless it is for a very good cause. It will usually backfire on you.
- Provide "unofficial" budget information to Congress before official release by the Executive Branch<sup>12</sup>
- Freedom of Information Act violations
- Privacy Act violations

Due to some potential for confusion, a discussion of "lobbying" and "advocacy" is appropriate. Program managers are not supposed to lobby Congress with appropriated funds, neither are they supposed to be program advocates. These restrictions appear to conflict with the thesis of this report which encourages program managers to provide information to members of Congress, and seek to influence them.

Let us first examine restrictions on lobbying Congress. These restrictions are a matter of federal law as contained in the United States Code, Title 18 "Crimes and Criminal

Procedures," Chapter 93 "Public Officers and Employees," Section 1913 "Lobbying with Appropriated Moneys." This law says that appropriated money cannot be used "for personal services, advertisements, telegrams, telephone calls, letters, printed material, or other devices intended to influence members of Congress ... on any legislation or appropriation...." The law also says

"but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

Thus program managers cannot use program funds to print 535 letters to send to members of Congress, or conspire with contractors to spend program funds in an attempt to influence Congress. On the other hand, program managers can work through their chain of command (i.e. HQ AFSC/DSL and SAF/LL) to set up meetings or visits to selected members of Congress, particularly if these members have indicated a misunderstanding of the program, or criticized the program. Program managers can invite members of Congress or their staffs to visit the program office, contractor facilities, or test ranges. Program managers can even have informal discussions with members at social events such as those sponsored by the Air Force Association. Opportunities such as these should not be missed. Although program managers should not conspire with contractors to lobby Congress using program office funds, program managers cannot stop contractors from lobbying members of Congress using corporate funds. This is a two way

street--program managers should not encourage this activity, but neither should they (or have the right to) discourage it. Thus, although program managers are restricted from some specific acts by this law, there is enough latitude in the law to provide flexibility to the program manager to work with Congress, explain the program, and attempt to head off or blunt criticism.

In a similar manner, Air Force policy is that program managers are not supposed to be program "advocates." What does this really mean? The conventional interpretation is that the program manager should not, and does not need to, be on the road constantly beating the bushes trying to "sell" his program. That is the job of others; it is the job of the program manager to stay at home and manage his program. Likewise, the program manager is not supposed to become so much of an advocate that he is "blinded" by his zeal and unable to see or admit that problems exist and corrective actions are required. The author agrees with these precepts. These types of advocacy are counterproductive and should be avoided.

On the other hand, the author believes that program managers have a responsibility to ensure program success--and this often means "promoting" their program, publicizing test successes, and ensuring invalid criticism doesn't go unchallenged. When a program manager is assigned a weapon system program and directed to bring that weapon system into the Air Force inventory, it is his job to successfully field that weapon system. The program manager should use every management, engineering, financial,



scheduling, human relations, or publicity tool available to him (within limits of the law, regulations, policies, and good sense) to accomplish this mission. Program managers must be logical and use techniques consistent with American ethical and moral standards; however, they must also recognize that victory often goes to the side that seizes the initiative, the manager that tries new techniques, or the businessman that best advertises his product. Program managers have significant freedom to try new ideas and techniques, and it is the author's thesis that unless prohibited, new approaches should be appropriately used to support the acquisition program and ensure its' success!

NOTES

CHAPTER 4 (Pages 54-66)

1. Air Force Relations with the General Accounting Office (GAO), Air Force Regulation (AFR) 11-8, (Washington DC: Department of the Air Force, 27 March 1986), p. 2-3.

2. Ibid., p. 3.

3. Ibid., p. 3-5.

4. Ibid., p. 6.

5. Ibid., p. 7-9.

6. Ibid., p. 7.

7. CONGRESSIONAL INVOLVEMENT AND RELATIONS. A GUIDE FOR DEPARTMENT OF DEFENSE PROGRAM MANAGERS, Fort Belvoir, Virginia: Defense Systems Management College, November 1986, p. 3.

8. Ibid., p. 3 and 47.

9. POWERS OF CONGRESS, Washington DC: Congressional Quarterly, INC., 1976, p. 175.

10. AIR FORCE RELATIONS WITH THE GENERAL ACCOUNTING OFFICE (GAO), P. 6.

11. UNITED STATES CODE, TITLE 18 - CRIMES AND CRIMINAL PROCEDURES, CHAPTER 93 - PUBLIC OFFICERS AND EMPLOYEES, SECTION 1913 - LOBBYING WITH APPROPRIATED MONEYS.

12. AIR FORCE RELATIONS WITH THE GENERAL ACCOUNTING OFFICE (GAO), P. 7.

## CHAPTER V

### SUMMARY

This report analyzed and provided recommendations on how Air Force program managers can deal successfully with Congressional criticism. Such criticism, whether valid or not, is a real threat to weapon system acquisition programs because of the pyramiding effect that often results: additional members of Congress might be influenced; the media reports it out of proportion to reality; morale and pride in the program office and contractor organizations can be affected; scarce manpower and funds can be wasted in rebuttal of the criticism; and of course the program could eventually be stretched out, cut back, or terminated. Program managers cannot afford to sit by and let Congressional criticism go unchallenged--they can successfully deal with it.

An important, fundamental requirement is to understand Congress. This report described the responsibilities and authority of members of Congress, and explained that they view military weapons system acquisition programs from perspectives different from Air Force program managers. They have different roles to play: oversight of government operations and effectiveness, control the purse strings of government spending, and investigations of problems and inefficiencies. This report provided an orderly approach for program managers to understand what motivates and who influences Congress. It also explained how the Congressional committee and subcommittee systems work, and compared the

relative strengths and advantages between the Executive Branch and Congress. It provided the basis for program managers to understand "what makes Congress tick," to unemotionally evaluate the causes of Congressional criticism, and to develop a winning strategy for heading off or blunting the criticism.

The report summarized actions proactive program managers can pursue to build a solid program in an attempt to avoid problems--thus providing less opportunities for critics to attack. It also identified recommended strategies for program managers once problems have occurred or Congressional criticism has been levied. The report provided general guidelines for dealing with Congress; i.e. high ethical standards and integrity, working with SAF/LL and the GAO, "No Nos" for program managers, lobbying, etc. The big secret, however, was that program managers must first understand the Congressional critic's perspective and motivations before an effective strategy can be logically developed and methodically pursued; i.e. "know thine enemy."

In summary, this report addressed a "real world" problem that Air Force program managers face, and provided insights and suggested approaches so that they can deal more successfully with Congressional criticism.

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